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No. 15] NEW DELHI, JUNE 10—JUNE 16, 2018, SATURDAY/JYAISTHA 20—JYAISTHA 26, 1940

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)

PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों ( संघ राज्यक्षेत्र प्रशासनों को छोड़कर ) द्वारा जारी किए गए साधारण आदेश और अधिसूचनाएं

Orders and Notifications issued by the Central Authorities (Other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 जून, 2018

**आ.अ. 31.**—यतः निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट झारखंड राज्य से विधान सभा के साधारण निर्वाचन, 2014 के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथादर्शित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने अथवा रीति के अनुसार लेखा दाखिल करने में असफल रहा है;

और, यतः उक्त अभ्यर्थियों ने, सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिये गये अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10—क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और सदस्य होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है :—

## सारणी

क्रम सं०	निर्वाचन का विवरण	विधान सभा निर्वाचन क्षेत्र की संख्या व नाम	अभ्यर्थी का नाम व पता	निर्हरता का कारण
1	2	3	4	5
1	झारखंड विधान सभा का साधारण निर्वाचन, 2014	6- महेशपुर (अ.ज.जा.)	श्री कालिदास टुडू ग्राम- गोविन्दपुर, पो०- सागबेरिया, थाना- पाकुड़िया, जिला- पाकुड़, झारखण्ड।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
2	-वही-	-वही-	श्री दाउद मरांडी ग्राम- पलियादाहा (सोगले टोला), पो०- पलियादाहा, थाना- पाकुड़िया, जिला- पाकुड़, (झारखण्ड), पिन नं०- 816117	-वही-
3	-वही-	20-बरकट्टा	श्री महादेव राम ग्राम- काँको, पो०- काँको, थाना- जयनगर, जिला- कोडरमा, राज्य-झारखण्ड, पिन- 825410	-वही-
4	-वही-	-वही-	श्री अलखदेव सिंह ग्राम+पो०- चलकुशा, थाना- बरकट्टा, जिला- हजारीबाग, राज्य-झारखण्ड,	-वही-
5	-वही-	24-माण्डू	मकसुद आलम ग्राम-चरनखिया, पो०- नवादा, थाना- विष्णुगढ़, जिला- हजारीबाग, झारखण्ड।	-वही-
6	-वही-	25- हजारीबाग	इरशाद बिन रहमान पेलावल, हजारीबाग, झारखण्ड।	-वही-
7	-वही-	-वही-	डा० अविनाश कुमार हाउस नियर ओल्ड चेक पोस्ट, नियर हुरहुरू टैंक- रांची पटना रोड- हजारीबाग, झारखण्ड।	-वही-
8	-वही-	-वही-	श्री द्वारिका कुमार दास ग्राम- नवादा, पो०- बन्हा, थाना- कटकमसाण्डी, जिला- हजारीबाग, (झारखण्ड), 825302	-वही-
9	-वही-	-वही-	श्री दीपक कुमार मकान संख्या- 125 बाबापथ, हुरहुरू पोस्ट- हजारीबाग, थाना- सदर, जिला- हजारीबाग, (झारखण्ड), पिन- 825301	-वही-

[सं० 76/झार.-वि.स./2014]

आदेश से,

के. एन. भार, प्रधान सचिव

## ELECTION COMMISSION OF INDIA

## ORDER

New Delhi, the 7th June, 2018

**O.N. 31.**—Whereas, the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the Legislative Assembly, 2014 from the State of Jharkhand as specified in column (2) held from the constituency specified in column(3) against his/her name, has failed to lodge any account of his/her election expenses at all or in the manner as required by the Representation of the People Act, 1951, and the rules made thereunder as shown in column(5) of the said Table;

And Whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, or after considering the representation if any, made by them, the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order:-

TABLE

S.No.	Particulars of Election	Number & Name of the Assembly Constituency	Name & Address of the Candidate	Reason of disqualification
1	2	3	4	5
1	General Election to the Legislative Assembly 2014 from the State of Jharkhand	6- Maheshpur (ST)	Shri Kalidas Tudu Vill- Govindpur, P.O- Sagberiya, P.S- Pakuria, Dist- Pakur, Jharkhand.	Failure to lodge any account of Election expenses
2	-do-	-do-	Shri Daud Marandi Vill- Paliadaha (Sogletola), P.O- Paliadaha, P.S- Pakuria, Dist- Pakur, (Jharkhand), Pin- 816117,	-do-
3	-do-	20-Barkatha	Shri Mahadeo Ram Vill- Kanko, Post- Kanko, Thana- Jainagar, Dist- Koderma, State-Jharkhand, Pin- 825410,	-do-
4	-do-	-do-	Shri Alakhdeo Singh Vill+Post- Chalkusha, Thana- Barkatha, Dist- Hazaribagh, State-Jharkhand,	-do-
5	-do-	24- Mandu	Maksud Alam Vill- Charnakhiya, Post- Nawada, P.S- Bishnugarh, District- Hazaribag, Jharkhand.	-do-
6	-do-	25- Hazaribag	Irshad Bin Rahman Pelawal, Hazaribag, Jharkhand.	-do-
7	-do-	-do-	Dr. Avinash Kumar House near old check- post, Near hurhuru tank, Ranchi- Patna Road- Hazaribag, Jharkhand.	-do-
8	-do-	-do-	Shri Dwarika Kumar Das Village- Nawada, Post- Banha, P.S- Katkamsandi, Dist- Hazaribag, Jharkhand, Pin- 825302.	-do-
9	-do-	-do-	Shri Deepak Kumar House No. 125, Baba Path Hurhuru, P.O- Hazaribag, P.S- Sadar, Dist- Hazaribag, Jharkhand, Pin- 825301.	-do-

[No. 76/JKD-LA/2014]

By Order,

K. N. BHAR, Principal Secy.

## आदेश

नई दिल्ली, 7 जून, 2018

**आ.अ. 32.**—जबकि, भारत निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट उत्तर प्रदेश राज्य की विधान सभा के साधारण निर्वाचन, 2017 के लिए, जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं; और

जबकि, उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

अतः अब, निर्वाचन आयोग एतद्वारा उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और सदस्य होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

## सारणी

क्रम सं.	निर्वाचन क्षेत्र का विवरण	निर्वाचन क्षेत्र की क्रम संख्या एवं नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरर्हता का कारण
1	2	3	4	5
1.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	196-छिबरामऊ	उमेश चन्द्र, ग्राम भोजपुर (तिलकापुर), पोस्ट तालग्राम, जनपद कन्नौज, उत्तर प्रदेश।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
2.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	198-कन्नौज (अ0जा0)	मुकेश कुमार जाटव, ग्रा0 तारमऊ गढ़ी, पो0 मित्रसेनपुर, तह0 व जि0 कन्नौज, उत्तर प्रदेश।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
3.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	198-कन्नौज (अ0जा0)	बीरेन्द्र, नगला पीतम भोलेपुर, पो0 फतेहगढ़, जि0 फर्रुखाबाद, उत्तर प्रदेश।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
4.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	198-कन्नौज (अ0जा0)	श्रीकान्त सिंह, ग्रा0 रजपालपुर, पो0 लखनपुर, जि0 फर्रुखाबाद, उत्तर प्रदेश।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
5.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	253-चायल	विजय कुमार रामदास रविदास, नूरपुर हाजीपुर चायल, कौशाम्बी, उत्तर प्रदेश।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
6.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	303-कपिलवस्तु (अ0जा0)	पिंगल प्रसाद, ग्राम-टिकरी, पोस्ट-जोगिया उदयपुर, जनपद-सिद्धार्थनगर, उत्तर प्रदेश।	निर्वाचन व्ययों का लेखा विधि द्वारा अपेक्षित रीति से दाखिल करने में असफल रहे।
7.	उत्तर प्रदेश राज्य से विधान सभा के लिए	316-नौतनवा	सतीश कुमार चतुर्वेदी, सरोजनी नगर,	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।

	सामान्य निर्वाचन, 2017		न0पा0प0 नौतनवां, महाराजगंज, उत्तर प्रदेश ।	
8.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	343-अतरौलिया	लौटन, ग्राम-काजीपट्टी मेहियापार, पोस्ट-अहरौला, जिला- आजमगढ़, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
9.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	346-मुबारकपुर	तेजबहादुर सिंह, ग्राम व पोस्ट-बीबीपुर, जनपद-आजमगढ़, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
10.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	348-निज़ामाबाद	हरिदास, शम्भूपुर, तह0 बूढ़नुपर, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
11.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	365-शाहगंज	अनुराग पाण्डेय, ग्राम व पोस्ट-गैरवाह, जिला-जौनपुर, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
12.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	365-शाहगंज	सोनू खान, ग्राम व पोस्ट- सारी जहांगीरपट्टी, जिला-जौनपुर, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
13.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	365-शाहगंज	लाल बहादुर वर्मा, ग्राम-पुरासम्भल शाह, पोस्ट- दुखई पुरा, जिला-जौनपुर, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
14.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	368-मुंगरा बादशाहपुर	निलेश रविंद्रनाथ, ग्राम-बसहरा, पोस्ट-सोतीपुर, जौनपुर, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
15.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	369-मछलीशहर (अ0जा0)	मूल चन्द्र, ग्राम-सरायभाव सिंह, पोस्ट-इकौनी, जिला-भदोही, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
16.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	369-मछलीशहर (अ0जा0)	लक्ष्मी सरोज, ग्राम व पोस्ट कुंवरपुर, तहसील-मछलीशहर, जिला-जौनपुर, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।
17.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	380-मुगलसराय	श्वेता पाण्डेय, म0नं0 529 भगवानपुर लंका, पोस्ट भगवानपुर, वाराणसी, उत्तर प्रदेश ।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे ।

18.	उत्तर प्रदेश राज्य से विधान सभा के लिए सामान्य निर्वाचन, 2017	389-वाराणसी दक्षिण	किशन सेठ, सी.के. 17/15.बी, मोती कटरा ठठेरी बाजार, थाना चौक, वाराणसी (उ0प्र0)।	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
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[सं0 76/उ0प्र0-वि0स0/2017]

आदेश से,  
ए. एन. दास, सचिव

**ORDER**

New Delhi, the 7th June, 2018

**O.N. 32.**—Whereas, the Election Commission of India is satisfied that each of the contesting candidates specified in column (4) of the table below at the General Election to the Legislative Assembly, 2017 from the State of Uttar Pradesh as specified in column (2) held from the Constituency specified in column (3) against his/her name has failed to lodge the account of his/her election expenses as shown in column (5) of the said table as required by the Representation of the People Act, 1951 and the rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notices of the Election Commission or after considering the representation made by them, if any, the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the table below to be disqualified for being chosen as and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/ Union Territory for a period of three years from the date of this order: -

**TABLE**

Sl. No.	Particular of Election	Sl.No. & Name of Constituency	Name & Address of Contesting Candidates	Reason of Disqualification
1	2	3	4	5
1.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	196-Chhibramau	Umesh Chandra, Village Bhojapur (Tilkapur), Post Talgram, Distt. Kannauj, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
2.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	198-Kannauj (SC)	Mukesh Kumar Jatav, Vill.-Tarmau Garhi, PO.-Mitrasenpur, Teh. & Distt.-Kannauj, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
3.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	198-Kannauj (SC)	Birendra, Nagla Pitam Bholepur, PO.-Fatehgarh, Distt.-Farrukhabad, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
4.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	198-Kannauj (SC)	Shrikant Singh, Vill. Rajpalpur, PO.-Lakhanpur, Distt.-Farrukhabad, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
5.	General Election to the Legislative Assembly of the State of	253-Chail	Vijay Kumar Ramdas Ravidas, Noorpur Hajipur Chail,	Failed to lodge account of his/her election expenses.

	Uttar Pradesh, 2017.		Kaushambi, Uttar Pradesh.	
6.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	303-Kapilvastu (SC)	Pingal Prasad, Vill-Tikari, Post-Jogiya Udaypur, Distt-Siddharthnagar, Uttar Pradesh.	Failed to lodge the account of his/her election expenses in the manner required by law.
7.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	316-Nautanwa	Satish Kumar Chaturvedi, Sarojani Nagar, N.P.A.P. Nautanwa, Maharajganj, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
8.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	343-Atrauliya	Lautan, Vill-Kajipatti Mehiyapar, Post-Ahiraula, District-Azamgarh, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
9.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	346-Mubarakpur	Tejbahadur Singh, Vill & Post – Bibipur, Distt. – Azamgarh, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
10.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	348-Nizamabad	Haridas, Shambhupur , Budhanpur, Azamgarh, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
11.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	365-Shahganj	Anurag Pandey, Vill.& Post-Gairwah, Distt. Jaunpur, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
12.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	365-Shahganj	Sonu Khan, Vill & Post. Sari Jahangirpatti, Distt. Jaunpur, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
13.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	365-Shahganj	Lal Bahadur Verma, Vill. Purasambhal Shah, Post. Dukhai Pura, Distt. Jaunpur, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
14.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	368-Mungra Badshahpur	Nilesh Ravindranath, Vill-Basahara, Post-Sotipur, Distt-Jaunpur, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
15.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	369-Machhlishahr (SC)	Mool Chandra, Vill. Saray Bhaav Singh, Post-Ikauni, Distt-Bhadohi, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
16.	General Election to the Legislative Assembly of the State of Uttar	369-Machhlishahr (SC)	Lakshmi Saroj, Village & Post – Kunwarpur, Tehsil-	Failed to lodge account of his/her election expenses.

	Pradesh, 2017.		Machhlishahr, Distt-Jaunpur, Uttar Pradesh.	
17.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	380-Mughalsarai	Shweta Pandey, H.No. 529, Bhagwanpur Lanka, Post Bhagwanpur, Varanasi, Uttar Pradesh.	Failed to lodge account of his/her election expenses.
18.	General Election to the Legislative Assembly of the State of Uttar Pradesh, 2017.	389-Varanasi South	Kishan Seth, CK-17/15B, Moti Katra, Thatheri Bazar, PS Chowk, Varanasi (U.P.).	Failed to lodge account of his/her election expenses.

[No. 76/UP-LA/2017]

By Order,

A. N. DAS, Secy.

नई दिल्ली, 12 जून, 2018

**आ.अ. 33.**—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 (क) के अनुसरण में निर्वाचन आयोग एतद्वारा निर्वाचन अर्जी सं. 15/2014 में दिए गए उच्च न्यायालय, छत्तीसगढ़, बिलासपुर के तारीख 20 अप्रैल, 2018 के आदेश को प्रकाशित करता है ।

(आदेश अधिसूचना के अंग्रेजी भाग में छपा है ।)

[सं. 82/छ.ग.-लो.स./ (15/2014)/2018]

आदेश से,

नरेन्द्र ना. बुटोलिया, प्रधान सचिव

New Delhi, the 12th June, 2018

**O.N. 33.**—In pursuance of Section 106 (a) of the Representation of People Act, 1951 (43 of 1951), the Election Commission hereby publishes Order dated 20<sup>th</sup> April, 2018 of the High Court of Chhattisgarh, Bilaspur, in Election Petition No. 15 of 2014.

**HIGH COURT OF CHHATTISGARH, BILASPUR****EP No. 15 of 2014**

Shambhu Prasad Sharma S/o Late Bansh Gopal Sharma Aged  
About 70 Years R/o Village And Post- Seoni, Tah. Marwahi,  
Civil & Revenue Distt. Bilaspur C.G., Chhattisgarh

...Petitioner

**Versus**

1. Dr.Banshilal Mahto S/o Late Dhaniram Mahto Aged About 73 Years R/o House No. 31, Ward No. 7, Champa Road, Main Road, Korba, Civil & Revenue Distt. Korba Chhattisgarh
2. Charan Das Mahant S/o Bisahu Das Mahant Aged About 59 Years R/o House No. 623, Mahant Para, Post- Saragaon, Tah. Champa, Distt. Janjgir-Champa Chhattisgarh
3. Heera Singh Markam S/o Late Dev Sai Markam Aged About 79 Years R/o Village & Post- Tiwrata, Tah. Pali, Civil & Revenue Distt. Korba Chhattisgarh



4. Jeevan Lal Rautel S/o Bisauha Ram Rautel Aged About 48 Years R/o House No. 224, Kolanpara, Village- Dhanauli, PostKorja, Tah. Pendra Road, Distt. Bilaspur, Chhattisgarh
5. Amar Nath Pandey S/o Late Brajraj Pandey Aged About 48 Years R/o H.I.G. 128, M.P. Nagar, Korba, Distt. Korba Chhattisgarh
6. Dhan Singh Dhurve S/o Sri Rangae Dhurve Aged About 43 Years R/o Navgae, Post- Raghunath Nagar, Tah. Wadrafnagar, Surguja Division, Distt. Balrampur C.G., Pin497225, Chhattisgarh
7. Pratap Bhanu S/o Gulab Singh Aged About 45 Years R/o Village & Post-Semardarri, Tah. & Post- Marwahi, Distt. Bilaspur Chhattisgarh
8. Charan Bhaiyya S/o Ramcharan Aged About 45 Years R/o Girari, Post-Nawagaon, Tah. Pendra Road, Distt. Bilaspur, Chhattisgarh
9. Jata Shankar Pandey S/o Jagdamba Aged About 38 Years R/o Salwa, Post- Ghutra, P.S. Manendragarh, Distt. Kkorla C.G., District : Koriya (Baikunthpur), Chhattisgarh
10. S.R. Anchal S/o Late Mungeliha Das Aged About 44 Years R/o Dr. Ambedkar Chowk, House No. 632, Ward No. 39, Ayodhyapuri, Post- Ntpc Jamnipali, P.S. Darri, Distt. Korba Chhattisgarh
11. Chandra Bhuhan Pratap Singh Kanwar S/o MOOI Chand Kanwar Aged About 36 Years R/o Jambahar, Post- Balco Nagar, Civil & Revenue Distt. Korba, Chhattisgarh
12. Laxman Lal Kaiwarty S/o Birbal Aged About 44 Years R/o Purani Basti, Darri, Post- Jamnipali, Tah. Katghora, Distt. Korba, Chhattisgarh
13. Phuleshwar Prasad Surjaeeha S/o Shambhunath Surjaeeha Aged About 71 Years R/o Dhinouchi, Post- Siwni, Tah. Marwahi, Distt. Bilaspur, Chhattisgarh
14. Rajesh Kumar Pandey S/o Bharat Kumar Pandey Aged About 42 Years R/o Old Kashinagar Khapra Bhattha, Budhwari Bazar, Korba, House No. 1106, Ward No. 16, Korba, Distt. Korba Chhattisgarh
15. Dr. Urmila Singh Marko D/o Rai Singh Marko Aged About 49 Years R/o Behind Secl Colony, Bandhwapara, Sarkanda, Bilaspur, Distt. Bilaspur Chhattisgarh
16. Harbhajan Singh Shyam S/o Sumer Singh Aged About 33 Years R/o House No. I-101 Chief House Bartunga, PostChirmiri, Tah. Khadgawan, Pin- 497449, District : Koriya (Baikunthpur), Chhattisgarh
17. Rajendra Singh Kanwar S/o Late Jai Singh Kanwar Aged About 32 Years R/o House No. 563/1/3 Padhimar Balco Nagar, Distt. Korba Chhattisgarh
18. Mohan Lal Bargahi S/o Ramadhin Bargahi Aged About 60 Years R/o Ward No. 09, South Jhagrakhand, Tah. Manendragarh, District : Koriya (Baikunthpur), Chhattisgarh
19. Fatte Singh Shyam S/o Jarman Singh Aged About 55 Years R/o Dhinouchi, Post-Siwni, Tah. Marwahi, Distt. Bilaspur, Chhattisgarh
20. Kewal Goswami S/o Bishnu Bharti Aged About 44 Years R/o Kurma, Post- Dogri, Tah. Balauda, Distt. Janjgir-Champa, Chhattisgarh
21. Sheikh Faoof S/o Sheikh Chand Aged About 46 Years R/o Ward No. 2, Haldibadi, Chirmiri, District Koriya (Baikunthpur), Chhattisgarh
22. Rajesh Kumar Mahant S/o Daroga Das Mahant Aged About 37 Years R/o House No. 63, Belakachhar, Village- Panchayat Condro, Post Balco Nagar, Tah. & Distt. Korba, Chhattisgarh

23. Kamaldev S/o Ram Pratap Bangali Aged About 35 Years Dafaee, Heeragir Dafaee, Haldibadi, Post- Haldibadi, P.S. Chirmiri, Tah. Khadgavan, Pin- 497451, District : Koriya (Baikunthpur), Chhattisgarh

...Respondents

For the Petitioner : In person  
 For Respondent No. 1 : Mr. R. S. Marhas, Advocate  
 For Respondent No. 2 : Mr. V. C. Ottalwar, Advocate

**Hon'ble Shri Justice Goutam Bhaduri**

**CAV Judgment/Order**

**Reserved on 21.02.2018**

**Pronounced on 20.04.2018)**

1. The present election petition touches upon the Parliamentary election held in the year 2014 for Korba constituency No.4 Korba wherein respondent No. 1 Banshilal Mahto was declared elected as returned candidate. In such election respondent No. 1 who contested on behalf of Bhartiya Janta party had secured 439002 number of votes and the petitioner who contested as an independent candidate has secured 1808 number of votes and the other respondents secured different number of votes.

2. (i) The challenge to the election of respondent No.1 is on the ground that respondent no. 1 the returned candidate has not followed the mandatory direction/instructions issued by the Chief Election Commissioner, Chhattisgarh and the affidavit in the required format was not submitted in the office of returning officer by all the respondents including the returned candidate (R-1). It is further case of the petitioner that the information was required to be submitted u/s 8 of the Representation of the People Act 1951 (hereinafter referred to as the "Act of 1951") by all the candidates who participated in the election but the respondents failed to file such papers before the election commission and therefore, the nomination of the election itself was void ab-initio. It is further case of the petitioner that the contesting candidates of the Parliamentary election had to file nomination forms by 05.04.2014, which was the date prescribed for filing nominations in the office of Election Commissioner, Korba along-with affidavit. It was stated that the scrutiny of nominations was fixed for 07.4.2014 and the election was held on 24.4.2014. The counting of ballot papers was done on 16.05.2014 and the result was also declared on the same date.

(ii) It was pleaded that the petitioner filed nomination form along-with affidavit in prescribed proforma as per the direction of the Commission, but respondent no. 1 and other contesting respondents have not submitted the affidavits as required u/s 8 of the Representation of People's Act 1951. The further case of the petitioner is on the ground that the direction of the Commission was required to be followed as a statutory mandate, however, the petitioner noticed that none of the respondents have submitted the affidavit and the information as required u/s 8 of the Act of 1951. Therefore, when the petitioner after noticing the deficiency in nomination papers of the other contenting candidates filed his objection before the returning officer, Korba and filed his affidavit, the same was ignored and the returning officer dismissed the objection by holding that the affidavit so enclosed by the returned candidate was in proper format. It is the case of the petitioner that the returned candidate primarily respondent No. 1 had filed the wrong nomination paper which was accepted by the returning officer and the same ought to have been dismissed in the initial stage when the objection was raised. Therefore, the election of returned candidate on such ground may be declared void.

3. The pleading of the election petition would show that the averments are being made against other respondents also who contested the election. However, during the course of trial, the petitioner did not much press upon such averments except the averments made against respondent No. 1 who is returned candidate, therefore, primarily while adjudicating the election petition, the court is concerned only with the nature of pleading and proof which is brought on record by the petitioner against respondent No.1 whose election is sought to be set aside. The further allegation of the petitioner is that in the earlier election of 2009 the petitioner secured 23136 votes, however, in subsequent election it was reduced to 1808 for the reason that he was not provided any security and the transparency in the election process was absent, therefore, the election is also liable to be cancelled.

4. In the return, respondent No.1 denied all the allegations and nothing was admitted. It is contended in reply that as per sub-section (3) of section 81 of the Representation of People's Act 1951, since the election petition was not accompanied by as many copies thereof as per the number of respondents mentioned in the petition and copies are not attested by the petitioner under his own signature to be a true copy of the petition, therefore, the petition is defectively filed.

5. It was further pleaded that the objection filed by the petitioner before the returning officer was rightly rejected as Section 8 of the Representation of People Act, 1951 prescribed for disqualification of a candidate only on Conviction of candidates for certain offences and the objection did not contain any allegation of election petitioner that the respondent was convicted. It was further stated that the affidavit along-with nomination papers was properly sworn by the respondent and the scrutiny of proposal was also not disputed as the oath and affirmation was taken by the respondent in accordance with law. All the adverse allegations made in the petition were also denied.

6. On the basis of pleadings and averments made in the petition, the court has framed the following issues:

S.NO.	Issues	Findings
01.	Whether copy of the election petition served to respondent No. 1 is attested by the petitioner under his own signature and whether the petition has been signed and verified by the election petitioner ? If not, the effect ?	Not Proved
02.	Whether the respondents have not submitted the affidavit and information under Section 8 of the Representation of the People Act, 1951 before the Returning Officer ? If not, the effect ?	Not Proved
03.	Whether the order Annexure P-2 rejecting objection filed by the election petitioner is wrong, illegal and void ?"	No
04.	Whether the returning officer acted illegally in not rejecting the nomination papers of the respondents ?	No
05.	Whether the election is liable to be quashed and whether the election petitioner is entitled to be declared as returned candidate ?"	No

7. The petitioner examined himself before the Court and except this examination, no other evidence was adduced. On behalf respondent, returned candidate Dr.Bansilal Mahto was examined and Lakhanlal Dewangan was also examined on his behalf as D.W.2.

8. Issues 2, 3, & 4 are interlinked with each other as they are arising out of common facts and evidence as such these issues are being decided together. On behalf of the petitioner written submissions have been filed and he did not appear on different dates so fixed for arguments. The learned counsel appearing on behalf of the respondents, submits that the petitioner has not adduced any evidence to prove his case as such no case is made out in the election petition so as to declare the election of respondent No. 1 as void and except this, no submission has been made.

9. In order to find out the fact whether the election petitioner was able to prove his case beyond the reasonable doubt, the pleadings and evidence were examined. In the statement of the petitioner Shambhu Prasad Sharma, he has stated that on 07.04.2014 when the scrutiny was fixed before the returning officer, Korba, he had filed an objection that except the petitioner, no other candidate has filed the nomination forms according to the proforma set out by the election commission. It is stated that since the nomination papers should be filed according to the direction of the Election Commission, the entire candidatures of the nomination papers of other candidates should have been rejected. There is no admission of any document by the respondent. The petitioner has not exhibited or proved any document except the oral evidence. The petitioner has not called for any witness to prove the fact which nomination papers were filed by the returned candidate. If the petitioner was serious about the same to prove such facts, he could have called for the evidence of the returning officer to prove the document. Along-with with the petition, bunch of photocopies of the documents have been placed, but the documents have not been exhibited and proved in evidence by calling the originals. The returned candidate in his reply has not admitted those documents and instead he has stated that they have filed the affidavit as per the requirement of law. Therefore, if the petitioner was certain of the fact that the nomination papers were not supported by duly sworn affidavit then in order to prove the same, the documents should have been called and proved before the Court when the documentary evidence exists. Only on mere say of the petitioner that the affidavit was

not executed as per the direction and legally acceptable procedure, it cannot be taken to be a gospel truth for want of any evidence to accept the averments of the petitioner. The petitioner himself has failed to prove the nature of the documents which were filed by respondent No. 1 along-with affidavit when the nomination papers were filed.

10. As against the statement of the petitioner, respondent No. 1 who has examined himself has deposed that when he wants to file the nomination paper before the returning officer, Korba, he filled it before him and at the same time all the requisite documents were filed. He has stated that alongwith documents, he has also filed the property papers. He has further stated that he had filled all the necessary forms and fulfilled the formalities and thereafter, the returning officer scrutinized the nomination form wherein no defect was found and having found that no defect exists, allowed him to contest the election. The respondent has further stated that it is wrong to assert that he has not filled the document as per the proforma of 6-1-98. He has further stated that his proposer Lakhan Lal Dewangan has also signed the nomination papers and admitted the fact that instead of full signature of Lakhan Lal Dewangan, he has signed as Lakhan Lal. It is further stated that the said proposer Lakhan Lal Dewangan is M.L.A., of Katghora constituency and he was elected prior to the election of the witness i.e., respondent No. 1.

11. In the cross examination of the petitioner, when he was subsequently asked as to why the copy of document i.e., format of 6.1.1998 has not been attached to the petition, it was replied by him that he had filed his objection before the returning officer and has stated about the objection in it. Further when it was confronted that the returning officer has dismissed his plea holding that all the documents were in proper format, no reply was given instead it was stated that the returning officer was shown the format. Therefore, what is the format, where it exists was upon the petitioner to prove. Neither any such documents were summoned through proper authority nor any iota of evidence is on record to hold the form of affidavit sworn by the respondent was bad.

12. In the evidence of returned candidate, respondent No. 1, he stated that in his nomination form of election, the proposer Lakhan Lal Dewangan has signed the proposal form wherein he has made his signature as Lakhan Lal. The witness D.W. 2 Lakhan Lal Dewangan affirming the fact has stated that in the year 2014 he has signed as proposer of the nomination form of the returned candidate Bansilal Mahto and he has signed as Lakhan Lal in such paper.

13. The over all scrutiny of file would show that no documentary evidence is placed and exhibited by the petitioner in this case. The entire case is contested only on the presumption and oral evidence. The nature of pleadings and evidence would show that the petitioner has failed to appreciate that when he has come to the Court by filing election petition, it was his duty to satisfy the Court and discharge the burden of proof to substantiate the averments of the petition. Neither the copy of Annexure P-2 which was filed along-with the petition has been proved by the original nor the certified copy was called to prove the fact. Simply by placing a document, presumption cannot be drawn that it was the order dated 07.04.2014 passed by the returning officer whereby the objection of the petitioner was dismissed. What is the authority of the order and evidentiary value of it still remains mystery. To conclude, it is held that the petitioner was under duty to prove the fact that Annexure P-2 is result of objection made by the petitioner. The pleadings and the evidence are as vague as it could be and the petitioner has completely failed to discharge his burden of pleading and proof in the instant election petition.

14. In a case law reported in **(1999) 1 SCC 666 — L.R. Shivarama Gowda vs. T.M. Chandrashekhar (para 10)** Their Lordship of the Supreme Court have laid down the law that in order to declare an election to be void under section 100(1)(d)(iv), it is absolutely necessary for the election petitioner to plead that the result of the election so far as it relates to returned candidate has been materially affected by the alleged non-compliance with the provisions of the Act or of the rules. Now reverting the election petition, it would go to show that the specific pleading is absent about the fact that the election result has been materially affected for non-compliance of any rules or the provision. In the case in hand since the court is examining the allegation of election petition as against the will of the people, therefore, the necessary pleading to this effect has to be there in the election petition to hold that there is a violation of specific rules or direction issued by the Election Commission coupled with the fact that the result of the election of the returned candidate has been materially affected by the alleged non-compliance.

15. The Supreme Court in case of *Jeet Mohinder Singh vs. Harminder Singh Jassi* (1999) 9 SCC 386 in para 40 held that "the success of a candidate who has won at an election should not be lightly interfered with. Any petition seeking such interference must strictly conform to the requirements of the law. The Court further held that setting aside of an election involves serious consequences not only for the returned candidate and the constituency, but also for the public at large inasmuch as re-election involves an enormous load on the public funds and administration. Therefore, the inference is strict pleading of facts has to be followed by proof of facts.

16. In view of the pleadings and evidence, the Court has no hesitation that the election petitioner has miserably failed to prove the pleadings and averments made by him. Neither any document has been exhibited which was attached with the petition by calling the original nor any officers were called to prove the same. Therefore, the photocopies of the

documents attached with the petition remain as not proved. Consequently, no cognizance can be taken in this election petition about the existence of such document.

17. In the result, it is held that the petitioner has not been able to prove that the returning candidate has failed to give information as per section 8 of the R.P. Act 1951 nor is able to prove that the rejection of the objection raised by the returning officer was illegal and void. Further, the petitioner has been failed to prove that the returning officer acted illegally in not rejecting the nomination papers of the respondent thereby the petitioner has failed to prove issue Nos. 2, 3 & 4.

18. with respect to issue no. 1, the said issue was primarily made on the pleading of the returned candidate that the petitioner had not served the petition under his signature and was not properly verified by him. In this respect, if the evidence of respondent No.1 is seen it appears that the respondent was not serious to prove such fact and only superfluous statement has been made, therefore, only on the basis of averments in absence of any direct proof thereof the returned candidate has failed to discharge his burden as was raised by him which was framed under Issue No. 1.

19. Therefore, on over all scrutiny of the entire pleadings and evidence, this Court is of the opinion that the election petitioner has failed to prove the case beyond reasonable doubt. Consequently, the petition cannot be allowed or entertained only on presumption of facts and oral evidence. In the result, the petition has no merit and is dismissed. No order as to costs.

Sd/-  
GOUTAM BHADURI JUDGE

[No. 82/CG-HP/(15/2014)/2018]

By Order,  
NARENDRA N. BUTOLIA, Principal Secy.